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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
<b>JOHN H. O'BRIEN, RN</b>	:	
<b>License No. 26N009809300</b>	:	<b>CONSENT ORDER</b>
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information concerning John H. O'Brien, RN ("Respondent"). By Order of Suspension filed October 31, 2014, Respondent's license to practice nursing was suspended until he could demonstrate that he is fit and competent to return to practice and that he had enrolled in, participated with, and was in full compliance with the Board's

designated intervention program, the Recovery and Monitoring Program (RAMP).

After the suspension of his license, Respondent did not enroll in the Board's designated intervention program and instead enrolled in the Professional Assistance Program (PAP) in June 2015. Respondent denies any mental health or substance abuse issues, but enrolled in an effort to seek reinstatement of his license. PAP reports that Respondent has been compliant with all aspects of his monitoring requirements. PAP supports the reinstatement of Respondent's license with continued participation in the program. Additionally, Respondent has undergone an evaluation with a Board approved evaluator who opines that Respondent's mental health is stable and that he does not present evidence of symptoms of substance abuse.

The Board finds that Respondent has demonstrated that he is fit and competent for reinstatement given his demonstration of compliance with all aspects of monitoring thus far. However, the Board finds that as a condition for reinstated and continued licensure, testing, monitoring, and treatment are required to ensure that Respondent's practice as a nurse does not jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge

licensee functions pursuant to N.J.S.A. 45:1-22(e).

The Board finding that the within Order is sufficiently protective of the public health, safety and welfare, in lieu of further proceedings, and for other good cause shown;

IT IS on this 10<sup>th</sup> day of June, 2016

**HEREBY ORDERED AND AGREED that:**

1. Respondent's petition to reinstate his license to practice as a Registered Professional Nurse in the State of New Jersey shall be granted after Board review and approval of a reinstatement application, including fees, continuing education, and a criminal history background check, if required.

2. Respondent shall refrain from the use of any and all potentially addictive substances, including alcohol, except as prescribed by an authorized health care practitioner who is made aware of Respondent's substance abuse history, if any, and required participation in an intervention, monitoring, and recovery program. Respondent shall report any such use to PAP in writing within five (5) days of receiving such a prescription together with the name of the prescribing health care practitioner, the name of the drug, the quantity, frequency, expected length of use, and reason for its use.

3. Respondent shall remain enrolled in, participate in,

and comply with all of the terms and conditions of PAP until he has been released by PAP. Respondent shall cause PAP to inform the Board in writing if Respondent is non-compliant with, or is terminated from, or resigns from, further participation in the program, together with the reason for and complete documentation of the non-compliance, termination and/or resignation.

Notification to the Board shall be within 24 hours of determination of non-compliance, termination, or resignation, or as soon thereafter as is practicable. Respondent shall provide PAP's Executive Medical Director with a complete copy of the within Order.

4. PAP shall provide reports on a quarterly basis to the Recovery and Monitoring Program (RAMP), which reports shall be sent to the Recovery and Monitoring Program, 1479 Pennington Road, Trenton, New Jersey 08618. These reports shall indicate Respondent's degree of compliance with the monitoring plan.

5. Respondent shall provide a release to PAP allowing PAP to provide pertinent reports, records, and other information pertaining to Respondent to the Board and to RAMP, the Board's designated intervention program. Respondent's signature on this Order signifies Respondent's waiver of any right to confidentiality with respect to these matters, and Respondent's

agreement that the Board may utilize any such reports, records, and other information it receives from PAP or RAMP in any proceeding regarding Respondent's license and that the Board may release any pertinent information in its possession to PAP or RAMP.

6. Respondent shall attend regular twelve-step support group meetings or the equivalent, and nurse peer support group meetings, as required by PAP. He shall attend individual counseling and psychiatric treatment until successful discharge, if required by PAP. Respondent shall not engage in the practice of nursing if so advised by PAP, and shall confine his employment and employment schedule to settings and schedules approved by PAP.

7. Respondent shall submit to random observed urine testing or hair testing as required by PAP. Respondent's failure to submit to testing or provide a urine or hair sample when requested shall be deemed to be a violation of the terms of this Order. All random alcohol and drug screens shall be negative for the presence of alcohol or drugs, unless the drugs detected by screening were properly taken pursuant to a valid prescription from a health care practitioner aware of Respondent's substance abuse history, if any, and required

enrollment in PAP. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

8. Respondent shall notify the Board, PAP, and RAMP within ten (10) days of any change of address, or any termination, resignation, or leave of absence from any place of nursing employment.

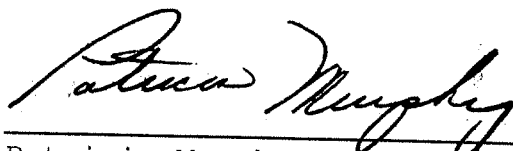
9. Respondent shall immediately inform each employer representative and nursing supervisor of the terms of this Order and provide them with a copy of the Order. Respondent shall ensure that each employer representative and nursing supervisor provides written notification on facility letterhead to RAMP and PAP, acknowledging receipt of a copy of the within Order and its terms.

10. Respondent may apply for the removal of the restrictions imposed by the within Order upon successful completion of PAP. The Board reserves the right to require Respondent to appear before the Board and demonstrate fitness to practice without further monitoring and to undergo evaluation with a Board-approved evaluator upon any such application.

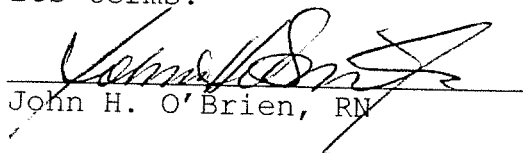
11. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically suspended by the Board. Respondent, upon fourteen days notice, may request a hearing to contest the entry of such an Order. At any such hearing, the sole issue shall be whether any of the information received by the Board regarding Respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF NURSING

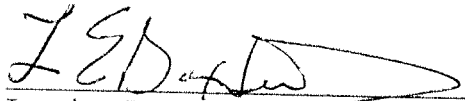
By:

  
Patricia Murphy, PhD, APRN  
Board President

I have read and understand  
the within Consent Order  
and agree to be bound by  
its terms.

  
John H. O'Brien, RN

I have read the above Order  
and agree on behalf of PAP to  
comply with its terms regarding  
monitoring and reporting by PAP.



Louis E. Baxter, M.D., FASAM  
Executive Medical Director  
Professional Assistance Program

Consent as to form and entry.



JoAnn Pietro, Esq.  
Attorney for John H. O'Brien, RN